

Panaji, 18th November, 1976 (Kartika 27, 1898)

SERIES I No. 34



OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judiciary Department

Notification

LD/Bill/22/76

The following Bill passed by the Legislative Assembly of Goa, Daman and Diu which received the assent of the Administrator of Goa, Daman and Diu on 6-11-1976 is hereby published for general information.

B. S. Subbanna, Under Secretary (Law).

Panaji, 9th November, 1976.

The Goa, Daman and Diu Anatomy Act, 1976

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The Goa, Daman and Diu Anatomy Act, 1976

(Act No. 21 of 1976) [6th November, 1976]

AN ACT

to provide for the supply of unclaimed dead bodies of deceased persons to hospitals and medical and teaching institutions for therapeutic purposes or for the purpose of anatomical examinations or dissections.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**— (1) This Act may be called the Goa, Daman and Diu Anatomy Act, 1976.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) This section shall come into force at once.

(4) The Government may by notification in the Official Gazette, direct that the remaining provisions of this Act shall come into force on such date and in such area as may be specified in the notification.

2. **Definitions.**— In this Act, unless there is anything repugnant in the subject or context—

(1) “approved institution” means a hospital or a medical or teaching institution approved by the Government for all or any of the purposes of this Act;

(2) “authorised Officer” means an Officer authorised to act under section 4;

(3) “Collateral consanguinity” means that which subsists between two persons who are descended from the same stock or ancestor, but neither of whom is descended in direct line from the other.

Note:— For the purpose of ascertaining in what degree of kindred any collateral relative stands to a person deceased, it is necessary to reckon upwards from the person deceased to the common stock and then downwards to the collateral relative, a degree being allowed for each person, both ascending and descending.

(4) “Government” means the Government of Goa, Daman and Diu;

(5) “Lineal consanguinity” means that which subsists between two persons, one of whom is descended in a direct line from the other, as between a man and his father, grandfather and great-grandfather, and so upwards in the direct ascending line; or between a man and his son, grandson, great-grandson and so downwards in the direct descending line;

Note:— (a) Every generation constitutes a degree, either ascending or descending;

(b) A person's father is related to him in the first degree, and so likewise is his son; his grandfather and grandson in the second degree; his great-grandfather and great-grandson in the third degree, and so on;

(6) "near relative" means any of the following relatives of the deceased, namely, a wife, husband, parent, son, daughter, brother and sister and includes, any other person who is related to the deceased (a) by lineal or collateral consanguinity within three degrees in lineal relationship, and six degrees in collateral relationship, or (b) by marriage either with the deceased or with any relative specifically mentioned in this clause or with any other relative within the aforesaid degrees;

(7) "prescribed" means prescribed by rules made under this Act;

(8) "unclaimed body" means the body of a deceased person who has no near relative or whose body has not been claimed by any of his near relative within such period as may be prescribed.

3. Power of Government to authorise officers to act under section 4.—The Government may, by notification in the Official Gazette authorise for the area in which this Act comes into force or any part thereof, one or more officers to whom a report shall be made under section 4 and who shall be competent to act under the said section.

4. Unclaimed dead bodies to be used for therapeutic purpose or anatomical examination.—(1) Where a person under treatment in a hospital whether established by or vesting in, or maintained by, the Government or any local authority, dies in such hospital and his body is unclaimed, the authorities in charge of such hospital shall with the least practicable delay report the fact to the authorised officer and such officer shall then hand over the unclaimed body to the authorities in charge of an approved institution for any therapeutic purpose or for the purpose of conducting anatomical examinations and dissection.

(2) Where a person dies at hospital other than a hospital referred to in sub-section (1) or in a prison and his body is unclaimed, the authorities in charge of such hospital or prison shall with the least practicable delay report the fact to the authorised officer who shall hand over the unclaimed body to the authorities in charge of an approved institution for the purpose specified in sub-section (1).

(3) Where a person having no permanent place of residence in the area where his death has taken place/dies in any public place in such area and his body is unclaimed, the authorised officer shall take possession of the body and shall hand it over to the authorities in charge of an approved institution for the purpose specified in sub-section (1).

(4) Where there is any doubt regarding the cause of death or when for any other reason the authorised officer considers it expedient so to do, he shall forward the unclaimed body to a police officer referred to in section 174 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

5. Doubt or dispute whether person claiming body is near relative to be referred to Executive Magistrate and body to be preserved pending decision.—(1) If any doubt or dispute arises as to whether a person claiming the body of a deceased person

under section 4 is a near relative of the deceased or not the matter shall be referred to the Executive Magistrate or such officer as may be appointed in this behalf by the Government and his decision shall be final and conclusive.

(2) Pending such decision, the authorised officer shall take all reasonable care and steps to preserve the body of the deceased person from decay.

6. Penalty.—Whoever disposes of, or abets the disposal of, an unclaimed body save as permitted by this Act, or obstructs any authority in charge of an approved institution or an authorised officer from handing over, taking possession of, removing or using, such dead body for the purpose specified in the Act, shall, on conviction, be punished with fine which may extend to five hundred rupees.

7. Duty of Police and other officers to assist.—All officers and servants of the Police, Medical and Public Health Departments, all officers and servants in the employ of a local authority and all village officers and servants shall be bound to take all reasonable measures to assist the authorities and officers authorised under this Act in the discharge of their duties under this Act.

8. Protection of persons acting under the Act.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

9. Officers to be public servants.—All officers appointed or authorised to act under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

10. Power to make Rules.—(1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the provisions of sub-section (1) such rules may prescribe the period within which a near relative shall claim the body of a deceased person.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of the Union territory of Goa, Daman and Diu while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly agrees in making any modification in the rule or the Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Secretariat,
Panaji-Goa,
9th November, 1976.

K. C. D. GANGWANI
Secretary to the Government
of Goa, Daman and Diu
Law and Judiciary Department

Notification

LID/4050/IV/76

The following Central Bill The Foreign Contribution (Regulation) Bill, 1976 which were recently passed by the Parliament and assented to by the President of India on 31-3-1976 and published in the Gazette of India Part II, Section I dated 31-3-1976 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary, (Law).

Panaji, 1st September, 1976.

The Foreign Contribution (Regulation) Act, 1976

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The Foreign Contribution (Regulation) Act, 1976

AN

ACT

to regulate the acceptance and utilisation of foreign contribution or foreign hospitality by certain persons or associations, with a view to ensuring that parliamentary institutions, political associations and academic and other voluntary organisations as well as individuals working in the important areas of national life may function in a manner consistent with the values of a sovereign democratic republic, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent, application and commencement.*—(1) This Act may be called the Foreign Contribution (Regulation) Act, 1976.

(2) It extends to the whole of India, and it shall also apply to—

(a) citizens of India outside India; and

(b) associates, branches or subsidiaries, outside India, of companies or bodies corporate, registered or incorporated in India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(a) “association” means an association of individuals, whether incorporated or not, having an office in India and includes a society, whether registered under the Societies Registration Act, 1860, or not, and any other organisation, by whether name called; 21 of 1860

(b) “candidate for election” means a person who has been duly nominated as a candidate for election to any Legislature;

(c) “foreign contribution” means the donation, delivery or transfer made by any foreign source,—

(i) of any article, not being an article given to a person as a gift for his personal use, if the market value, in India, of such article, on

the date of such gift, does not exceed one thousand rupees;

(ii) of any currency, whether Indian or foreign;

(iii) of any foreign security as defined in clause (i) of section 2 of the Foreign Exchange Regulation Act, 1973; 46 of 1973

(d) "foreign hospitality" means any offer, not being a purely casual one, made by a foreign source for providing a person with the costs of travel to any foreign country or territory or with free board, lodging, transport or medical treatment;

(e) "foreign source" includes —

(i) the Government of any foreign country or territory and any agency of such Government,

(ii) any international agency, not being the United Nations or any of its specialised agencies, the World Bank, International Monetary Fund or such other agency as the Central Government may, by notification in the Official Gazette, specify in this behalf,

(iii) a foreign company within the meaning of section 591 of the Companies Act, 1956, and also includes — 1 of 1956

(a) a company which is a subsidiary of a foreign company, and

(b) a multi-national corporation within the meaning of this Act,

(iv) a corporation, not being a foreign company, incorporated in a foreign country or territory,

(v) a multi-national corporation within the meaning of this Act,

(vi) a company within the meaning of the Companies Act, 1956, if more than one-half of the nominal value of its share capital is held, either singly or in the aggregate, by one or more of the following, namely: — 1 of 1956

(a) Government of a foreign country or territory,

(b) citizens of a foreign country or territory,

(c) corporations incorporated in a foreign country or territory,

(d) trusts, societies or other associations of individuals (whether incorporated or not), formed or registered in a foreign country or territory,

(vii) a trade union in any foreign country or territory, whether or not registered in such foreign country or territory,

(viii) a foreign trust by whatever name called, or a foreign foundation which is either in the nature of trust or is mainly financed by a foreign country or territory,

(ix) a society, club or other association of individuals formed or registered outside India,

(x) a citizen of a foreign country,

but does not include any foreign institution which has been permitted by the Central Government, by notification in the Official Gazette, to carry on its activities in India;

(f) "Legislature" means —

(i) either House of Parliament,

(ii) the Legislative Assembly of a State, or in the case of a State having a Legislative Council, either House of the Legislature of that State,

(iii) Legislative Assembly of a Union territory constituted under the Government of Union Territories Act, 1963, 20 of 1963

(iv) the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966, 19 of 1966

(v) Municipal Corporations in metropolitan areas as defined in the Code of Criminal Procedure, 1973, 2 of 1974

(vi) District Councils and Regional Councils in the States of Assam and Meghalaya and in the Union territory of Mizoram as provided in the Sixth Schedule to the Constitution, or

(vii) any other elective body as may be notified by the Central Government,

as the case may be;

(g) "political party" means an association or body of individual citizens of India which is, or is deemed to be, registered with the Election Commission of India as a political party under the Election Symbols (Reservation and Allotment) Order, 1968 as in force for the time being;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "registered newspaper" means a newspaper registered under the Press and Registration of Books Act, 1867; 25 of 1867

(j) "subsidiary" and "associate" have the meanings, respectively, assigned to them in the Companies Act, 1956; 1 of 1956

(k) "trade union" means a trade union registered under the Trade Unions Act, 1926. 16 of 1926

Explanation. — For the purposes of this Act, a corporation incorporated in a foreign country or territory shall be deemed to be a multi-national corporation if such corporation —

(a) has a subsidiary or a branch or a place of business in two or more countries or territories; or

(b) carries on business, or otherwise operates, in two or more countries or territories.

(2) Words and expressions used herein and not defined but defined in the Foreign Exchange Regulation Act, 1973, have the meanings respectively assigned to them in that Act. 46 of 1973

(3) Words and expressions used herein and not defined in this Act or in the Foreign Exchange Regulation Act, 1973, but defined in the Representation of the People Act, 1950, or the Representation of the People Act, 1951, have the mean- 46 of 1973 43 of 1950 43 of 1951

ings respectively assigned to them in such Act.

3. *Application of other laws not barred.*—The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

CHAPTER II

Regulation of Foreign Contribution and Foreign Hospitality

4. *Candidate for election, etc., not to accept foreign contribution.*—(1) No foreign contribution shall be accepted by any—

- (a) candidate for election,
- (b) correspondent, columnist, cartoonist, editor, owner, printer or publisher of a registered newspaper,
- (c) Government servant or employee of any corporation,
- (d) member of any Legislature,
- (e) political party or office bearer thereof.

Explanation.—In clause (c) and in section 9, “corporation” means corporation owned or controlled by Government and includes a Government company as defined in section 617 of the Companies Act, 1956.

1 of 1956

(2) (a) No person, resident in India, and no citizen of India resident outside India, shall accept any foreign contribution, or acquire or agree to acquire any currency from a foreign source, on behalf of any political party, or any person referred to in sub-section (1), or both.

(b) No person, resident in India, shall deliver any currency whether Indian or foreign, which has been accepted from any foreign source, to any person if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to any political party or any person referred to in sub-section (1), or both.

(c) No citizen of India resident outside India shall deliver any currency, whether Indian or foreign which has been accepted from any foreign source, to—

- (i) any political party or any person referred to in sub-section (1), or both, or
- (ii) any other person, if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to a political party or to any person referred to in sub-section (1), or both.

(3) No person receiving any currency, whether Indian or foreign, from a foreign source on behalf of any association, referred to in sub-section (1) of section 6, shall deliver such currency—

- (i) to any association or organisation other than the association for which it was received, or
- (ii) to any other person, if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to an association other than the association for which such currency was received.

5. *Organisation of a political nature not to accept foreign contribution except with the prior permission of the Central Government.*—(1) No organisation of a political nature, not being a political party, shall, accept any foreign contribution except with the prior permission of the Central Government.

Explanation.—For the purposes of this section, “organisation of a political nature, not being a political party” means such organisation as the Central Government may, having regard to the activities of the organisation or the ideology propagated by the organisation or the programme of the organisation or the association of the organisation with the activities of any political party, by an order published in the Official Gazette, specify in this behalf.

(2) (a) Except with the prior permission of the Central Government, no person, resident in India, and no citizen of India, resident outside India, shall accept any foreign contribution, or acquire or agree to acquire any foreign currency, on behalf of an organisation referred to in sub-section (1).

(b) Except with the prior permission of the Central Government, no person, resident in India, shall deliver any foreign currency to any person if he knows or has reasonable cause to believe that such other person intends, or is likely, to deliver such currency to an organisation referred to in sub-section (1).

(c) Except with the prior approval of the Central Government, no citizen of India, resident outside India, shall deliver any currency, whether Indian or foreign, which has been accepted from any foreign source, to—

- (i) any organisation referred to in sub-section (1), or
- (ii) any person, if he knows or has reasonable cause to believe that such person intends, or is likely, to deliver such currency to an organisation referred to in sub-section (1).

6. *Certain associations and persons receiving foreign contribution to give intimation to the Central Government.*—(1) Every association [not being an organisation referred to in sub-section (1) of section 5] having a definite cultural, economic, educational, religious or social programme shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of foreign contribution received by it, the source from which and the manner in which such foreign contribution was received and the purposes for which and the manner in which, such foreign contribution was utilised by it.

(2) Every candidate for election, who had received any foreign contribution, at any time within one hundred and eighty days immediately preceding the date on which he is duly nominated as such candidate, shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of foreign contribution received by him, the source from which and the manner in which such foreign contribution was received and the purposes for which, and the manner in which, such foreign contribution was utilised by him.

7. *Recipients of scholarships, etc., to give intimation to the Central Government.* — (1) Every citizen of India receiving any scholarship, stipend or any payment of a like nature from any foreign source shall give, within such time and in such manner as may be prescribed, an intimation to the Central Government as to the amount of the scholarship, stipend or other payment received by him and the foreign source from which, and the purpose for which, such scholarship, stipend or other payment has been, or is being, received by him.

(2) Where any recurring payments are being received by any citizen of India from any foreign source by way of scholarship, stipend or other payment, it shall be sufficient if the intimation referred to in sub-section (1) includes a precise information as to the intervals at which, and the purpose for which, such recurring payments will be received by such citizen of India.

(3) It shall not be necessary to give such intimation as is referred to in sub-section (1) or sub-section (2) in relation to scholarships, stipends or payments of a like nature, if the annual value of such scholarships, stipends or other payments does not exceed such limits as the Central Government may, by rules made under this Act, specify in this behalf.

8. *Persons to whom section 4 shall not apply.* — Nothing contained in section 4 shall apply to the acceptance, by any person specified in that section, of any foreign contribution, where such contribution is accepted by him, subject to the provisions of section 10, —

(a) by way of salary, wages or other remuneration due to him or to any group of persons working under him, from any foreign source or by way of payment in the ordinary course of business transacted in India by such foreign source; or

(b) by way of payment, in the course of international trade or commerce, or in the ordinary course of business transacted by him outside India; or

(c) as an agent of a foreign source in relation to any transaction made by such foreign source with Government; or

(d) by way of a gift or presentation made to him as a member of any Indian delegation, provided that such gift or present was accepted in accordance with the regulation made by the Central Government with regard to the acceptance or retention of such gift or presentation; or

(e) from his relative when such foreign contribution has been received with the previous permission of the Central Government:

Provided that no such permission shall be required if the amount of foreign contribution received by him from his relative does not exceed, in value, eight thousand rupees per annum and an intimation is given by him to the Central Government as to the amount received, the source from which and the manner in which it was received and the purpose for which and the manner in which it was utilised by him;

(f) by way of remittance received, in the ordinary course of business,

through any official channel, post office, or any authorised dealer in foreign exchange under the Foreign Exchange Regulation Act, 1973.

46 of 1973

Explanation. — In this Act, the expression "relative" has the meaning assigned to it in the Companies Act, 1956.

1 of 1956

9. *Restrictions on acceptance of foreign hospitality.* — No member of a Legislative, office-bearer of a political party, Government servant or employee of any corporation shall, while visiting any country or territory outside India, accept, except with the prior permission of the Central Government, any foreign hospitality:

Provided that it shall not be necessary to obtain any such permission for an emergent medical aid needed on account of sudden illness contracted during a visit outside India, but, where such foreign hospitality has been received, the person receiving such hospitality shall give, within one month from the date of receipt of such hospitality, an intimation to the Central Government as to the receipt of such hospitality, and the source from which, and the manner in which, such hospitality was received by him.

10. *Power of Central Government to prohibit receipt of foreign contribution, etc., in certain cases.* — The Central Government may —

(a) prohibit any association, not specified in section 4, or any person, from accepting any foreign contribution;

(b) require any association, specified in section 6, to obtain prior permission of the Central Government before accepting any foreign contribution;

(c) require any person or class of persons or any association, not being an association specified in section 6, to furnish intimation within such time and in such manner as may be prescribed as to the amount of any foreign contribution received by such person or class of persons or association, as the case may be, and the source from which and the manner in which such contribution was received and the purpose for which and the manner in which such foreign contribution was utilised;

(d) require any person or class of persons, not specified in section 9, to obtain prior permission of the Central Government before accepting any foreign hospitality;

(e) require any person or class of persons, not specified in section 9, to furnish intimation, within such time and in such manner as may be prescribed, as to the receipt of any foreign hospitality, the source from which and the manner in which such hospitality was received:

Provided that no such prohibition or requirement shall be made unless the Central Government is satisfied that the acceptance of foreign contribution by such association or person or class of persons, as the case may be, the acceptance of foreign hospitality by such person, is likely to affect prejudicially —

- (i) the sovereignty and integrity of India; or
- (ii) the public interest; or

(iii) freedom or fairness of election to any Legislature; or

(iv) friendly relations with any foreign State; or

(v) harmony between religious, racial, linguistic or regional groups, castes or communities.

11. *Application to be made in prescribed form for obtaining prior permission to accept foreign contribution or hospitality.*—(1) Every individual, association, organisation or other person, who is required by or under this Act to obtain the prior permission of the Central Government to accept any foreign contribution or foreign hospitality, shall, before the acceptance of any such contribution or hospitality, make an application for such permission to the Central Government in such form and in such manner as may be prescribed.

(2) If an application referred to in sub-section (1) is not disposed of within ninety days from the date of receipt of such application, the permission prayed for in such application shall, on the expiry of the said period of ninety days, be deemed to have been granted by the Central Government:

Provided that, where, in relation to an application, the Central Government has informed the applicant the special difficulties by reason of which his application cannot be disposed of within the said period of ninety days, such application shall not, until the expiry of a further period of thirty days, be deemed to have been granted by the Central Government.

CHAPTER III

Miscellaneous

12. *Power to prohibit payment of currency received in contravention of the Act.*—Where the Central Government is satisfied, after making such inquiry as it may deem fit, that any person has in his custody or control any article or currency, whether Indian or foreign, which has been accepted by such person in contravention of any of the provisions of this Act, it may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing with, in any manner whatsoever, such article or currency save in accordance with the written orders of the Central Government and a copy of such order shall be served upon the person so prohibited in the prescribed manner, and thereupon the provisions of sub-sections (2), (3), (4) and (5) of section 7 of the Unlawful Activities (Prevention) Act, 1967 shall so far as may be, apply to, or in relation to, such article or currency and references in the said sub-sections to moneys, securities or credits shall be construed as references to such article or currency.

37 of 1967

13. *Recipients of foreign contribution to maintain accounts, etc.*—Every association, referred to in section 6, shall maintain, in such form and in such manner as may be prescribed,—

(a) an account of any foreign contribution received by it, and

(b) a record as to the manner in which such contribution has been utilised by it.

14. *Inspection of accounts or records.*—If the Central Government has, for any reason, to be recorded in writing, any ground to suspect that any provision of this Act has been, or is being, contravened by—

(a) any political party, or

(b) any person, or

(c) any organisation, or

(d) any association,

it may, by general or special order, authorise such gazetted officer, holding a class I post, as it may think fit (hereinafter referred to as the authorised officer), to inspect any account or record maintained by such political party, person, organisation or association, as the case may be, and thereupon every such authorised officer shall have the right to enter in or upon any premises at any reasonable hour, before sunset and after sunrise, for the purpose of inspecting the said account or record:

Provided that no gazetted officer shall be authorised to inspect the account or record maintained by a political party, unless he has been holding a class I post in connection with the affairs of the Union, or a State, for not less than ten years.

15. *Seizure of accounts or records.*—If, after inspection of an account or record referred to in section 14, the authorised officer has any reasonable cause to believe that any provision of this Act or of any other law relating to foreign exchange has been, or is being, contravened, he may seize such account or record and produce the same before the court in which any proceeding is brought for such contravention:

Provided that the authorised officer shall return such account or record to the person from whom it was seized if no proceeding is brought within six months from the date of such seizure for the contravention disclosed by such account or record.

16. *Seizure of article or currency received in contravention of the Act.*—If any gazetted officer, authorised in this behalf by the Central Government, by general or special order, has any reason to believe that any person has in his possession or control any article exceeding rupees one thousand in value, or currency, whether Indian or foreign, in relation to which any provision of this Act has been, or is being, contravened, he may seize such article or currency.

17. *Seizure to be made in accordance with the Code of Criminal Procedure, 1973.*—Every seizure made under this Act shall be made in accordance with the provision of section 100 of the Code of Criminal Procedure 1973.

2 of 1974

18. *Confiscation of article or currency obtained in contravention of the Act.*—Any article or currency which is seized under section 16 shall be liable to confiscation if such article or currency

has been adjudged under section 19 to have been received or obtained in contravention of this Act.

19. *Adjudication of confiscation.*—Any confiscation referred to in section 18 may be adjudged—

(a) without limit, by the Court of Session within the local limits of whose jurisdiction the seizure was made; and

(b) subject to such limits as may be prescribed, by such officer, not below the rank of an Assistant Sessions Judge, as the Central Government may, by notification in the Official Gazette, specify in this behalf.

20. *Opportunity to be given before adjudication of confiscation.*—No order of adjudication of confiscation shall be made unless a reasonable opportunity of making a representation against such confiscation has been given to the person from whom any article or currency has been seized.

21. *Appeal.*—(1) Any person aggrieved by any order made under section 19 may prefer an appeal,—

(a) where the order has been made by the Court of Session, to the High Court to which such Court is subordinate; or

(b) where the order has been made by any officer specified under clause (b) of section 19, to the Court of Session within the local limits of whose jurisdiction such order of adjudication of confiscation was made,

within one month from the date of communication to such person of the order:

Provided that the appellate court may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of one month, allow such appeal to be preferred within a further period of one month, but not thereafter.

(2) Any organisation referred to in section 5, or any person or association referred to in section 9 or section 10, aggrieved by an order made in pursuance of the *Explanation* to sub-section (1) of section 5 or by an order of the Central Government, refusing to give permission, or by any order made by the Central Government, under section 5 or section 9 or section 10, as the case may be, may within sixty days from the date of such order prefer an appeal against such order to the High Court within the local limits of whose jurisdiction the appellant ordinarily resides or carries on business or personally works for gain, or, where the appellant is an organization or association, the principal office of such organization or association is located.

(3) Every appeal preferred under this section shall be deemed to be an appeal from an original decree and the provisions of Order XLI of the First Schedule to the Code of Civil Procedure, 1908, shall, as far as may be, apply thereto as they apply to an appeal from an original decree.

22. *Penalty for article or currency obtained in contravention of section 12.*—If any person, on whom any

prohibitory order has been served under section 12, pays, delivers, transfers or otherwise deals with, in any manner whatsoever, any article or currency, whether Indian or foreign, in contravention of such prohibitory order, he shall be punished with imprisonment for a term which may extend to three years or with both; and notwithstanding anything contained in the Code of Criminal Procedure, 1973, the court trying such contravention may also impose on the person convicted an additional fine equivalent to the market value of the article or the amount of the currency in respect of which the prohibitory order has been contravened by him or such part thereof as the court may deem fit.

23. *Punishment for the contravention of any provision of the Act.*—(1) Whoever accepts, or assists any person, political party or organisation in accepting, any foreign contribution or any currency from a foreign source, in contravention of any provision of this Act or any rule made thereunder, shall be punished with imprisonment for a term which may extend to five years, or with fine or with both.

(2) Whoever accepts any foreign hospitality in contravention of any provision of this Act or any rule made thereunder shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

24. *Power to impose additional fine where article or currency is not available for confiscation.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Court trying a person, who, in relation to any article or currency, whether Indian or foreign, does or omits to do any act which act or omission would render such article or currency liable to confiscation under this Act, may, in the event of the conviction of such person for the act or omission aforesaid, impose on such person a fine not exceeding five times the value of the article or currency or one thousand rupees, whichever is more, if such article or currency is not available for confiscation, and the fine so imposed shall be in addition to any other fine which may be imposed on such person under this Act.

25. *Penalty for offences where no separate punishment has been provided.*—Whoever fails to comply with any provision of this Act for which no separate penalty has been provided in this Act shall be punished with imprisonment for a term which may extend to one year, or with fine not exceeding one thousand rupees, or with both.

26. *Offences by companies.*—(1) Where an offence under this Act or any rule made thereunder has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty

2 of 1974

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5 of 1908

of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act or any rule made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm, society, trade union or other association of individuals; and

(b) "director", in relation to a firm, society, trade union or other association of individuals, means a partner in the firm or a member of the governing body of such society, trade union or other association of individuals.

27. *Bar to the prosecution of offences under the Act.*—No court shall take cognizance of any offence under this Act, except with the previous sanction of the Central Government or any officer authorised by that Government in this behalf.

28. *Investigation into cases under the Act.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act may also be investigated into by such authority as the Central Government may specify in this behalf and the authority so specified shall have all the powers which an officer-in-charge of a police station has while making an investigation into a cognizable offence.

2 of 1974

29. *Protection of action taken in good faith.*—No suit or other legal proceedings shall lie against the Central Government in respect of any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or, any rule or order made thereunder.

30. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the time within which, and the manner in which, intimation is to be given by an association referred to in section 6, with regard to the foreign contributions received by it;

(b) the limits up to which receipt of scholarships, stipends or payments of a like nature need not be intimated to the Central Government;

(c) the time within which, and the manner in which, intimation is to be given by persons receiving any scholarship, stipend or any payment of a like nature from a foreign source;

(d) the time within which, and the manner in which a candidate for election should give intimation as to the amount of foreign contribution received by him at any time within one hundred and eighty days from the date when he became such candidate;

(e) the form and manner in which an application shall be made for obtaining prior permission of the Central Government to receive foreign contribution or foreign hospitality;

(f) the manner of service of the prohibitory order made under section 12;

(g) the form and manner in which account of record referred to in section 13 shall be maintained;

(h) the limits up to which an officer, not below the rank of an Assistant Sessions Judge, may make adjudication of confiscation;

(i) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

31. *Power to exempt.*—If the Central Government is of opinion that it is necessary or expedient in the interests of the general public so to do, it may, by order and subject to such conditions as may be specified in the order, exempt any association (not being a political party), organisation or any individual (not being a candidate for election) from the operation of all or any of the provisions of this Act and may, as often as may be necessary, revoke or modify such order.

32. *Act not to apply to Government transactions.*—Nothing contained in this Act shall apply to any transaction between the Government of India and the Government of any foreign country or territory.

Notification

LD/5171/II/76

The following Notification received from the Government of India, Ministry of Industry and Supplies

New Delhi, is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 3rd November, 1976.

MINISTRY OF INDUSTRY AND SUPPLIES

(Department of Industrial Development)

Notification

New Delhi, the 30th June, 1976

S. O. 494(E). — In exercise of the powers conferred by sub-section (2) of section 1 of the Petroleum (Amendment) Act, 1970 (24 of 1970), the Central Government hereby appoints the 1st day of August, 1976, as the date on which the said Act shall come into force.

[No. F. 10(47)/71-LI(II)/MI]

P. B. KRISHNASWAMY,

Jt. Secretary.

Notification

LD/5356/1/76

The following Notification received from the Government of India, Ministry of Home Affairs New Delhi, is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 9th November, 1976.

MINISTRY OF HOME AFFAIRS

Notification

New Delhi, the 5th August, 1976

G.S.R. 755(E). — In exercise of the powers conferred by sub-section (3) of section 1 of the Foreign Contribution (Regulation) Act, 1976 (No. 49 of 1976), the Central Government hereby appoints 5th day of August, 1976 as the date on which the said Act shall come into force.

(No. F.II-21022/5/76-S&P(D.I)).

Office of the Chief Electoral Officer

Notification

3-2-75/Elec.

The following Notification No. 56/75-XI dated 1-11-1976 issued by the Election Commission of

India, New Delhi, is hereby published for general information.

K. C. D. Gangwani, Chief Electoral Officer.

Panaji, 10th November, 1976.

Election Commission of India

New Delhi, 1 November, 1976/

Kartika 10, 1898 (Saka)

Notification

S.O. — Whereas "United Goans (Naik Group)", a recognised State Party in the State of Goa, Daman and Diu has intimated the Commission that the said party has been dissolved as a consequence of its merger with the Indian National Congress, a recognised National Party;

And whereas the Election Commission, on the basis of the records available, is satisfied that "United Goans (Naik Group)" has ceased to exist as a separate political party and that its name should be deleted from the list of recognised State Parties so as to bring the said list upto date as required by sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1963;

And whereas the Election Commission has also decided to "freeze" the symbol "Hand" reserved to the said party so far as the State of Goa, Daman and Diu is concerned;

Now, therefore, in pursuance of clause (b) of sub-paragraph (1) of paragraph 17 of the said Order, the Commission hereby makes the following amendment in its notification No. 56/75-I, dated 31 January, 1975, published as S.O. 61(E) in the Gazette of India, Extraordinary, Part II, section 3(ii), dated 31 January, 1975, and as subsequently amended from time to time, namely:—

In Table 2

Against the item "Goa, Daman and Diu" (a) the entry "United Goans (Naik Group) — Hand" shall be deleted; and (b) the remaining entries shall be rearranged as under:—

"1. Maharashtrawadi Gomantak — Lion;

2. United Goans (Sequeira Group) — Two leaves".

(No. 56/75-XI)

By Order,

V. NAGASUBRAMANIAN

Secretary to the Election Commission of India.

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